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To: [Nancy Woo](#)  
Subject: Lahaina  
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**[FOIA EXEMPT: INTERNAL AGENCY DELIBERATIVE MATERIAL]**

Hi Nancy,

I know you are out of the office this week, but in the event you are keeping up with email, I wanted to give you some information to think about regarding the Lahaina facility.

Paul Achitoff, Earthjustice in Honolulu, contacted Alexis with some questions about the facility, specifically relating to potential use of CWA authorities and compliance with CZMA. His most interesting line of inquiry dealt with 401 certification. Paul pointed out that 401 certification is required for any federal permitting activity "that **may** result in **any discharge** to navigable waters." This is a lower standard than exists under section 402 for NPDES applicability. **Deliberative** [REDACTED]

Wendy scheduled a briefing for key DOH folks yesterday (Tom A could not make it, but there was representation from all 3 water branches) on the latest scientific evidence pointing to effluent "release" in the near coastal waters and potential impacts from that "release" (I won't call it discharge at this point). Chip Hunt with USGS, Celia Smith with UH, and Russell Sparks with DLNR. I found the briefing interesting and compelling in demonstrating that 1) the reef at Kahekili is in serious decline, 2) invasive algae growth is out of control at several Maui locations, all of which are in close proximity to large wastewater injection wells, 3) wastewater derived "heavy N" is fueling algae growth at Kahekili, and 4) the Lahaina injection plume is being released from shallow water seeps in the Kahekili area. Wendy reported that half of the DOH attendees slept through the scientific discussions. She also noted that she got feedback after the meeting from Alec Wong (in charge of NPDES permitting) and Ed Chen (responsible for 401 certification review/approval). Alec stated that NPDES permitting is not the answer, but that decentralized systems and reuse is the solution. Ed shared his view that the reefs are in decline because of climate change, not because of the wastewater (he apparently heard this on an EPA webinar).

**Deliberative** [REDACTED]

Let's talk when you are back next week.

David